

FILED
Clerk
District Court

DEC - 3 2007

For The Northern Mariana Islands
By _____
(Deputy Clerk)IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS

AE JA ELLIOT-PARK,

Civil Action No. 07-00021

Plaintiff,

v.

**ORDER CLARIFYING THE
COURT'S ORDER GRANTING
DEFENDANTS' MOTION TO
DISMISS**JARROD MANGLONA, MICHAEL
LANGDON, ANTHONY MACARANAS,
DEPARTMENT OF PUBLIC SAFETY,
and JUAN DOES 1-4,Defendants.
_____/

BEFORE THE COURT is Mrs. Ae Ja Elliot-Park's Motion for Reconsideration And/Or Clarification regarding the Court's granting of Defendants' Motion to Dismiss. In the interests of conserving the resources of the Court and the parties, the Court will decide the motion without necessity of a responsive filing from the Defendants.

This Court's local rules expressly prohibit further filings following the Opposition and Reply unless leave of court is granted.¹ LR 7.1 (c)(4). *Id.* Further filings in accord with the Federal Rules of Civil Procedure, such as a Rule 60 Motion For Relief From Judgment or Order, are of course permitted without leave of court. The instant Motion for Reconsideration was not brought pursuant to a Federal Rule of Civil Procedure and is a further filing within the meaning of Local Rule 7.1 (c)(4). Accordingly, the Court will not consider the merits of the motion

¹ The case cited by Mrs. Elliot-Park, *United States v. Commonwealth of the Northern Marianas*, 1993 WL 763588 (D.N.M.I 1993), was decided prior to the effective date of this rule.

1 presently before it.

2 However, to be clear, the previously issued Order Granting Defendants' Motion to
3 Dismiss was without prejudice. As such, the dismissal is not a final judgment and does not
4 preclude Mrs. Elliot-Park from refileing her claims in any venue that is appropriate. In addition,
5 Plaintiff may attempt to properly plead a cause of action for the alleged violation of her right to
6 equal protection pursuant to section 1983. If so re-pleaded, the Court will again consider the
7 viability of the claim upon any relevant motion by Defendants. Should she wish to do so, the
8 Court hereby grants Mrs. Elliot-Park leave to amend the complaint within ten business days from
9 the date of this Order.

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13 **IT IS SO ORDERED.**

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15 Dated: December 3, 2007

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18 ALEX R. MUNSON
19 UNITED STATES DISTRICT JUDGE
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